

REMARKS

Further and favorable reconsideration is respectfully requested in view of the foregoing amendments and following remarks.

Claims 18-28 were pending in this application when examined.

Claims 25-28 have been allowed.

Claim 24 has been cancelled, and new claim 29 has been added. Claim 29 incorporates the subject matter of claims 22 and 24 into a single independent claim.

I. Claim Rejection Under 35 U.S.C. § 112

The Examiner has rejected claim 24 under 35 U.S.C. § 112, fourth paragraph, as being of improper dependent form for failing to further limit the subject matter of the claim upon which it depends, or for failing to include all the limitations of the claim upon which it depends.

The Examiner has indicated that Applicants may rewrite the claim in independent form. Accordingly, claim 24 has been cancelled, and new claim 29 incorporates the subject matter of claims 22 and 24 into independent form. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

II. Claim Rejections Under 35 U.S.C. § 102

The Examiner has rejected claims 18-21 under 35 U.S.C. § 102(a) as being anticipated by Miyazawa et al. ("Transmission electron microscopy investigation of tubular and capsular needlelike crystals of C₆₀ produced by the liquid-liquid interfacial precipitation method", J. Mater. Res. 2004, Vol. 19, No. 11, pp. 3145-3148) (hereinafter "Miyazawa I").

The Examiner has also rejected claims 18-21 under 35 U.S.C. § 102(a) as being anticipated by Miyazawa et al. ("Transmission electron microscopy investigation of fullerene nanowhiskers and needle-like precipitates formed by using C₆₀ and (η²-C₆₀)Pt(PPh₃)₂", J. Mater. Res. 2004, Vol. 19, No. 8, pp. 2410-2414) (hereinafter "Miyazawa II").

Applicants respectfully traverse the rejections.

As stated by the Examiner, a rejection under §102(a) may be overcome by perfecting a claim to priority under 35 U.S.C. 119(a)-(d) (see MPEP 706.02(b)).

The present application claims priority to JP 2004-192223, filed **June 29, 2004**. A certified copy of JP 2004-192223 is of record in the present application. Applicants submit herewith a verified English language translation of JP 2004-192223. Claims 18-21 are supported by JP 2004-192223 in the manner required under 35 U.S.C. § 112, first paragraph. Thus, Applicants have perfected their claim to foreign priority under 35 U.S.C. § 119 to JP 2004-192223.

Miyazawa I was published in **November 2004** and Miyazawa II was published in **August 2004**. Because the references were published after the filing date of JP 2004-192223 (**June 29, 2004**), the references are not available as prior art against the present application. Therefore, the rejections have been overcome, and should be withdrawn.

III. Claim Rejections Under 35 U.S.C. § 103

The Examiner has rejected claims 22-24 under 35 U.S.C. § 103(a) as being unpatentable over Miyazawa I in view of Applicants' alleged admissions.

The Examiner has also rejected claims 22-24 under 35 U.S.C. § 103(a) as being unpatentable over Miyazawa II in view of Applicants' alleged admissions.

As applied to claims 22, 23 and 29, Applicants respectfully traverse the rejections.

As discussed above, Applicants submit herewith a verified English language translation of JP 2004-192223. Claims 22, 23 and 29 are supported by JP 2004-192223 in the manner required under 35 U.S.C. § 112, first paragraph. Thus, Applicants have perfected their claim to foreign priority, and Miyazawa I and Miyazawa II are no longer available as prior art against the present application.

Furthermore, Applicants have not admitted in the present specification that the subject matter of claims 22, 23 and 29 is known in the art.

Therefore, claims 22, 23 and 29 would not have been obvious over Miyazawa I or Miyazawa II in view of Applicants' alleged admissions.

Accordingly, reconsideration and withdrawal of the rejections are respectfully requested.

IV. Conclusion

For these reasons, Applicants take the position that the presently claimed invention is clearly patentable over the applied references.

Therefore, in view of the foregoing amendments and remarks, it is submitted that the rejections set forth by the Examiner have been overcome, and that the application is in condition for allowance. Such allowance is solicited.

Respectfully submitted,

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